

## REMARKS

Claims 1-25 were previously pending in this application. Claim 1 has been canceled without prejudice or disclaimer and claims 2-3 and 5-22 have been amended. As a result, claims 2-25 are pending for examination with claims 2, 8, 13, 18, 22, 23, 24, and 25 being independent claims. Applicant has also amended the specification to correct minor typographical errors and update application serial number references. No new matter has been added.

Please amend the Attorney Docket Number from 212515 to MS# 177765.01.

The undersigned wishes to thank Examiner Chai for the courtesies extended in granting and conducting a telephonic interview on February 23, 2005. The Examiner agreed to amend the Office Action at page 2, to change "Column 16-25" to --Column 16, line 68-Column 17, line 25 -- and at page 10, to change "Column 5, line 57-57" to -Column 5, lines 57-61.--

### Rejection of Claims 1, 3, and 22

Claims 1, 3, and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,351,813 to Mooney [hereinafter Mooney]. Applicant respectfully responds to the rejection as follows:

Claim 1 has been canceled, and thus, that rejection is moot. Claims 3 and 22 have been amended to reference claim 2 (newly amended as an independent claim), which as discussed further below is patentable over the cited art regarding claim 2.

### Rejection of Claims 8, 9, and 23-25

Claims 8, 9, and 23-25 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Published Application No. 2002/0144149 A1 to Hanna et al. [hereinafter Hanna]. Applicant respectfully responds to the rejection as follows:

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Initially, the Office Action rejects claims 24 and 25 over Mooney. However, claims 24 and 25 correspond to independent claims 13 and 18 respectively. Claims 13 and 18 are later rejected over Hanna in view of U.S. Patent No. 5,748,736 to Mittra [hereinafter Mittra] (see Office action, page 5). Applicant assumes that the Examiner intended to reject claims 24 and 25 in a manner similar to that of claims 13 and 18. Thus, those claims will be discussed below with reference to claims 13 and 18 respectively.

Independent claim 8 has been amended to recite, *inter alia*, obtaining a public key ( $P_{U1}$ ) of a peer by a first member of the peer-to-peer group. Hanna does not teach or suggest that a member of the peer-to-peer group obtain a public key of a peer. Rather, Hanna states that "the access control program [of the file server 14] next obtains the public key of User A by verifying certificate 42." (Hanna, para. 30). More particularly, in Hanna, a *file server* obtains the public key of the user through the certificate provided in the file request. A file server, as described by Hanna, is not a member of a peer-to-peer group, as recited in claim 8. Although certificate 42 of Fig. 6 of Hanna includes a public key of User A, the certificate 42, as stated by Hanna, comprises an identity certificate issued by a certifying authority, i.e., the Smith Corp. CA. (See, Hanna, para. 30). However, a certifying authority, as described by Hanna, is not a member of a peer-to-peer group. Accordingly, Hanna does not include all the recited features of claim 8.

Independent claim 8 has been amended to recite, *inter alia*, forming by the first member a first group membership certificate containing the peer's public key ( $P_{U1}$ ) and a second group membership certificate signed with the group private key ( $K_C$ ), the first group membership certificate being signed with a private key of the first member ( $K_{U2}$ ). As noted above, the certificates in Fig. 6 of Hanna are generated by a certifying authority, e.g., Smith Corp. or Smith Corp Brazil, and neither certifying authority is a

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member of a peer-to-peer group. In addition, Hanna does not teach or suggest a signing a certificate with a group private key, as recited in claim 8. Rather, Hanna uses a private key of the certifying authority to sign each certificate. A private key of a certifying authority is not a private group key of a secure peer-to-peer group. Accordingly, Hanna does not include all the recited features of claim 8.

Independent claim 8 also recites, *inter alia*, sending the first and second group membership certificates from the first member to the peer to invite the peer to join the group. Applicant agrees with the Examiner that Hanna does not teach a method to *invite* a peer to join the group. However, the Examiner suggests that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hanna to accommodate inviting the peer to join the group because Hanna teaches the method for a user to request the access to a resource that belongs to a particular group which is obviously equivalent to request the participation (or join) to that particular group so that the access can be granted." Applicant respectfully disagrees with the conclusion that Hanna suggests a request to participate (or join) a group, much less, a method of inviting a peer to join a secure peer-to-peer group. Specifically, Hanna is directed toward granting access to specific files in a file server to a group of people. Accessing a file server, as described by Hanna, is not a function or feature of a secure peer-to-peer group. Accordingly, Hanna is not directed toward a peer-to-peer network, much less a secure peer-to-peer group as recited in claim 8. Moreover, even were a file server access analogous to a secure peer-to-peer group, mere suggestion of requesting access to a secure file by a user does not teach or suggest, nor provide a motivation to modify Hanna, that the same user is *invited* by another member of the peer-to-peer group. Accordingly, Hanna as modified by the Examiner does not teach or suggest the features of claim 8.

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If the rejection of the claims as being obvious over Hanna is to be maintained, the Examiner is respectfully requested to cite a reference in support of his position as required in M.P.E.P. § 2144.03, or if the Examiner is relying upon facts within his personal knowledge, to file an affidavit establishing those facts pursuant to § 2144.03. As stated in that M.P.E.P. section, the reliance upon facts that are purportedly common knowledge or "well-known" should only be relied upon for facts that "fill the gaps" in the factual showing of obviousness and "should not comprise the principle evidence upon which rejection is based." Here, claim 8 is directed specifically toward inviting a peer to a secure peer-to-peer group, which is also the basis for the Examiner's reliance on common knowledge. Accordingly, it appears that the Examiner is relying on common knowledge to reject the principle basis of claim 8, in direct contravention to the guidelines in M.P.E.P. § 2144.03. Thus, the motivation for modifying the secure file server of Hanna to incorporate inviting a peer to a peer-to-peer group is without foundation in the prior art of record, which is respectfully believed to render the rejection improper under M.P.E.P. § 2144.03.

Accordingly, claim 8 patentably distinguishes over Hanna as modified such that the rejection under § 103 should be withdrawn. Claims 9-12 depend from independent claim 8, and are patentable for at least the foregoing reasons.

Claim 23 recites a computer-readable medium having computer executable instructions for performing the steps of claim 8. Accordingly, claim 23 is patentable for at least the foregoing reasons.

Rejection of claim 10, 13, 14, 18, 20, 24, and 25

Claims 10, 13, 14, 18, and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hanna in view of Mittra. Applicant respectfully responds to the rejection as follows:

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Claim 10 depends from independent claim 2, which as discussed further below is patentable over the cited art. Accordingly, claim 10 is patentable for at least the same reasons.

Independent claim 13, as amended, recites, *inter alia*, receiving a group invitation from a first member containing an invitation certificate having a group ID provided therein. The cited sections of Hanna, i.e., Fig. 6 and paragraph [0028], do not teach or suggest receiving a group invitation from anyone, much less from a first member. The certificate 44 of Fig. 6 in Hanna is a group membership certificate which “includes a certification that User A [the user sending the certificate] is a member of Support Team Subgroup X ....” (Hanna, para. [0031]). As noted above, a request to access a file is not an invitation, much less an invitation certificate. Accordingly, Applicant is unable to determine which element of Fig. 6 is an invitation certificate, and thus, the cited portions of Hanna do not teach or suggest receiving a group invitation.

Independent claim 13, as amended also recites, *inter alia*, resolving the group ID to find a third member of the group different from the first member. The cited sections of Hanna, i.e., Fig. 6 and paragraph [0028], do not teach or suggest resolving the group ID to find a third member of the group. Specifically, the second to last sentence of paragraph [0028] of Hanna states: “In the event the group membership certificate 34 [of Fig. 5] contains the identity of a plurality of users and/or groups that are members of the Support Team, a trust rating may be associated with each user and/or group based upon the level of confidence of the respective CA that the respective user and/or group is a member of the Support Team.” In other words, Hanna allows the group membership certificate to define different security or trust ratings for different users or groups in the members of the Support Team. Identifying trust level for members of a group does not teach or suggest resolving a given group ID to *find* a third member of the group. Accordingly, Hanna does not teach or suggest all of the features of claim 13.

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Independent claim 13, as amended, also recites, *inter alia*, a peer having a public and private key, and sending a connect message to the third member containing the invitation certificate signed with the private key. In this manner, claim 13 recites that the connect message includes an invitation certificate (which has a group ID provided therein) that is signed by a private key of the peer. The cited sections of Hanna do not teach or suggest these features of claim 13. Specifically, request 40 in Fig. 6 of Hanna, is a request not a certificate. Moreover, request 40 does not have a group ID provided therein. The certificate 44 of Fig. 6 of Hanna, although containing some indication that User A is a member of Support Team Subgroup X, is not an invitation certificate and is not signed by the private key of the peer (i.e., User A in Hanna). In this manner, claim 13 distinguishes over Hanna, and thus, Applicant respectfully requests that the rejection under § 103 be withdrawn.

Independent claim 13 also recites, *inter alia*, receiving an accept message from the third member containing a group membership certificate signed by a private key of the third member. Applicant agrees with the Examiner, that Hanna does not teach or suggest these features of claim 13. However, the cited section of Mittra (i.e. column 14, lines 34-35 )does not cure this deficiency of Hanna. The cited section of Mittra states that a receiver may be required to be willing to accept certificates signed by an arbitrary TI server [trusted intermediary server]. Although Applicant does not agree that there is a motivation to combine Hanna in view of Mittra, requiring acceptance of a certificate from a trusted intermediary does not teach or suggest receiving an accept message containing a group membership certificate signed by a private key of the third member. Moreover, Mittra does not teach or suggest that the trusted intermediary server is a member of the group. Thus, even if Mittra disclosed an accept message, an accept message from a trusted intermediary of Mittra does not teach or suggest an accept message from a third member of the group as recited by claim 13. In this manner, even

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if Hanna and Mittra are combined, claims 13 distinguishes over the cited art, and thus, Applicant respectfully requests that the rejection under § 103 be withdrawn.

Applicant agrees with the Examiner that Hanna and Mittra, either alone or in combination, do not teach or suggest receiving a group shared key to enable decryption of group traffic as recited in claim 13. However, the Examiner erroneously suggests that the group member authentication process implies that a “group shared key should be given out to the user in order to access the encrypted/protected group data successfully.” (Office action, page 6)<sup>1</sup>. Rather, authentication of a user to access information does not teach or suggest receiving a group shared key to enable decryption of group traffic.

Since Hanna in view of Mittra does not teach or suggest all of the features of claim 13, claim 13 patentably distinguishes over Hanna in view of Mittra such that the rejection under § 103 should be withdrawn. Claims 14–17 depend from independent claim 13, and are patentable for at least the foregoing reasons.

Claim 24 recites a computer-readable medium having computer executable instructions for performing the steps of claim 13. Accordingly, claim 24 is patentable for at least the foregoing reasons.

Independent claim 18, as amended, recites, *inter alia*, receiving at a first member of the peer-to-peer group, a connect message from the peer containing an invitation certificate generated by a second member of the peer-to-peer group and signed by a private key of the peer. As noted above, neither request 40 nor certificate 44 of Fig. 6 of Hanna, is an invitation certificate. Request 40 is a request to access, not an invitation certificate, and request 40 is not generated by a first member of the peer-to-peer group. Rather, the request 40 in Hanna is generated by the user A. In addition,

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<sup>1</sup> The Office action at page 6 cites “Mooney: see for example, Paragraph [0028].” However, Mooney is not stated as a base reference in the rejection of the claims, and Mooney does not include a paragraph [0028]. Accordingly, Applicant assumes that the Examiner intended to cite Hanna, paragraph [0028].

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certificate 44 is not signed by a private key of the peer (i.e., User A in Hanna), and it is also not generated by a first member of the peer-to-peer group. Rather, it is generated by a certification authority. In this manner, claim 18 distinguishes over Hanna, and thus, Applicant respectfully requests that the rejection under § 103 be withdrawn.

Independent claim 18 also recites, *inter alia*, sending an accept message to the peer. Applicant agrees with the Examiner, that Hanna does not teach or suggest these features of claim 18. However, as noted above, the cited section of Mittra (i.e. column 14, lines 34–35) does not cure this deficiency of Hanna. The cited section of Mittra stating that a receiver may be required to be willing to accept certificates signed by an arbitrary TI server [trusted intermediary server], does not teach or suggest sending an accept message. In this manner, even if Hanna and Mittra are combined, claim 18 distinguishes over Hanna in view of Mittra, and thus, Applicant respectfully requests that the rejection under § 103 be withdrawn.

Applicant agrees with the Examiner that Hanna and Mittra, either alone or in combination, do not teach or suggest sending a group shared key to the peer as recited in claim 18. As noted above with reference to claim 13, authentication of a user to access information as suggested by Hanna does not teach or suggest receiving a group shared key to enable decryption of group traffic.

Since Hanna in view of Mittra does not teach or suggest all of the features of claim 18, claim 18 patentably distinguishes over Hanna in view of Mittra such that the rejection under § 103 should be withdrawn. Claims 19–21 depend from independent claim 18, and are patentable for at least the foregoing reasons.

Claim 25 recites a computer-readable medium having computer executable instructions for performing the steps of claim 18. Accordingly, claim 25 is patentable for at least the foregoing reasons.

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Rejection of Claims 2, 5, 6, and 22

Claims 2, 5, and 6 stand rejected as being obvious over Mooney in view of Hanna. Applicant responds to the rejection as follows:

Independent claim 2, as amended, recites, *inter alia*, forming by a first member of the group, a group membership certificate containing the peer's public key and signed with a group private key of a group public/private key pair. As noted above with reference to claim 8, the certificate of Fig. 6 in Hanna is generated by a certifying authority, e.g., Smith Corp. or Smith Corp Brazil, and not a member of the peer-to-peer group. More particularly, a certifying authority, as described by Hanna, is not a member of a peer-to-peer group. In addition, Hanna does not teach or suggest signing a certificate with a group private key, as recited in claim 2. Rather, Hanna uses a private key of the certifying authority to sign each certificate. A private key of a certifying authority is not a private group key of a secure peer-to-peer group. Accordingly, Hanna does not include all the recited features of claim 2.

Independent claim 2, as amended, also recites, *inter alia*, sending the group membership certificate from the first member to the peer to invite the peer to join the group, the group membership certificate allowing the peer to join the group through a second member other than the first member. Applicant agrees with the Examiner that Hanna does not teach a method to invite the peer to join the group. However, the Examiner suggests that "it would have been obvious to one of skill in the art at the time the invention was made to modify and accommodate inviting the peer to join the group because Hanna teaches the method for a user to request the access to a resource that belongs to a particular group which is obviously equivalent for the user to request the participation (or join) of the group of interest so that the user's access to the resource can be granted." (Office Action, page 8). Applicant respectfully disagrees. There is no teaching or suggestion to invite a user by any member of a peer-to-peer group.

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Moreover, neither Hanna nor Mooney suggest the existence of a peer-to-peer group. Rather, Hanna is directed toward allowing multiple users to access a secure resource, not to enter a peer-to-peer group. Since Hanna and Mooney do not teach or suggest a secure peer-to-peer group, there is no motivation to modify Hanna to include an invitation to a peer-to-peer group, much less an invitation from a member of the peer-to-peer group.

As noted above with reference to claim 8, if the rejection of claim 2 as being obvious over Hanna is to be maintained, the Examiner is respectfully requested to cite a reference in support of his position as required in M.P.E.P. § 2144.03, or if the Examiner is relying upon facts within his personal knowledge, to file an affidavit establishing those facts pursuant to § 2144.03. Here, claim 5 is directed specifically toward inviting a peer to a secure peer-to-peer group, which is also the basis for the Examiner's reliance on common knowledge. Accordingly, it appears that the Examiner is relying on common knowledge to reject the principal basis of claim 2, in direct contravention to the guidelines in M.P.E.P. § 2144.03. Thus, the motivation for modifying the secure file server of Hanna to incorporate a peer-to-peer group is without foundation in the prior art of record, which is respectfully believed to render the rejection improper under M.P.E.P. § 2144.03.

Accordingly, claim 2 patentably distinguishes over Mooney in view of Hanna as modified such that the rejection under § 103 should be withdrawn. Claims 3-7 depend from independent claim 2, and are patentable for at least the foregoing reasons.

Claim 22 recites a computer-readable medium having computer executable instructions for performing the steps of claim 2. Accordingly, claim 2 is patentable for at least the foregoing reasons.

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Rejection of claims 11 and 12

Claims 11 and 12 stand rejected as being obvious over Hanna in view of U.S. Patent No. 6,092,201 to Turnbull [hereinafter Turnbull]. Claims 11 and 12 depend from independent claim 8, and are patentable for at least the same reasons set forth above.

In addition, dependent claim 12 recites, *inter alia*, when either the first and second group membership certificate is listed in the GCRL [group certificate revocation list], determining if a date of revocation is before a date of issuance of the third group certificate, and when the date of revocation is after the date of issuance, issuing a new group certificate to the peer. Applicant agrees with the Examiner that Hanna does not teach these features. However, Turnbull, as cited by the Examiner does not cure this deficiency. More particularly, the cited section of Turnbull, i.e., Col. 5, lines 57-61, col. 6, lines 2-4, and col. 8, lines 20-24, are directed toward extending secure communication operations via shared lists which may be updated by checking certificate revocation status, such as by consulting a certificate revocation list. However, mere reference to checking a revocation list does not teach or suggest that the date of revocation should be compared to the date of issuance of the certificate, much less issuing a new certificate if the date of revocation is after the date of issuance as recited in claim 12. Accordingly, Applicant respectfully requests that the rejection of claim 12 be withdrawn.

Rejection of claim 7

Claim 7 stands rejected as being obvious over Mooney in view of Hanna and Turnbull. Claim 7 depends from independent claim 2, and is patentable for at least the same reasons set forth above.

In addition, dependent claim 7 recites, *inter alia*, determining if a date of revocation of the certificate in the chain is before a date of issue of the group membership certificate, and when the date of revocation is after the date of issue,

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issuing a second group membership certificate to the peer. Applicant agrees with the Examiner that Hanna does not teach these features. However, as noted above with respect to claim 12, Turnbull, as cited by the Examiner does not cure this deficiency. More particularly, mere reference by Turnbull to checking a revocation list does not teach or suggest that the date of revocation should be compared to the date of issue of the certificate, much less issuing a new certificate if the date of revocation is after the date of issue as recited in claim 7. Accordingly, Applicant respectfully requests that the rejection of claim 7 be withdrawn.

Rejection of claim 15 and 17

Claims 15 and 17 stand rejected as being obvious over Hanna in view of Mittra and U.S. Patent No. 6,016,505 to Badovinatz [hereinafter Badovinatz]. Claims 15 and 17 depend from independent claim 13, and are patentable for at least the same reasons set forth above.

Assuming without agreeing that Badovinatz may be combined with both Hanna and Mittra, the combination does not teach or suggest the features of claim 15. Claim 15 recites, *inter alia*, resolving the group ID to find a second member of the group to which to connect when the step of authenticating the group membership certificate signed by the private key of the third member fails. Applicant agrees with the Examiner that Hanna and Mittra do not teach or suggest these features, however, the cited section of Badovinatz does not cure this deficiency. More particularly, the cited section of Badovinatz, i.e., col. 6, lines 54–58, states “each processor to join the group receives a copy of the membership list from the current group leader ... [or] from another member of the group other than the current group leader.” In this manner, Badovinatz suggests that *after* a user joins, the user may receive a group membership list. In contrast, claim 15 is directed toward *joining* a peer-to-peer group, which is *before* the peer has joined the group. In this manner, a peer joining a secure peer-to-peer group, but yet

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unjoined, would not have access to the membership list of Badovinat. Thus, Badovinat does not teach or suggest resolving the group ID to find a second member of the group to which to connect. Moreover, none of the cited references suggest resolving a group ID to find a second member of the group to which to connect *when the step of authenticating the group membership certificate signed by the private key of the third member fails*. Accordingly, Applicant respectfully requests that the rejection of claim 15 be withdrawn.

Assuming without agreeing that Badovinat may be combined with both Hanna and Mittra, the combination does not teach or suggest the features of claim 17. Dependent claim 17 recites, *inter alia*, resolving the group ID to find a second member of the group, and sending a connect message to the second member containing the invitation certificate and the group membership certificate from the first member. As noted above with reference to claim 15, Badovinat does not cure the deficiencies recognized by the Examiner in Hanna and Mittra. As noted above with reference to claim 15, Badovinat suggests that *after* a user joins, the user may receive a group membership list. In contrast, claim 17 is directed toward *joining* a peer-to-peer group, which is *before* the peer has joined the group. In this manner, a peer joining a secure peer-to-peer group, but yet unjoined, would not have access to the membership list of Badovinat.

Accordingly, Applicant respectfully requests that the rejection of claim 17 be withdrawn.

#### Rejection of Claims 16, 19, and 21

Claims 16, 19, and 21 stand rejected as being obvious over Hanna in view of Mittra and Turnbull. Claim 16 depends from independent claim 13, and is patentable for at least the same reasons set forth above. Similarly, claims 19 and 21 depend from independent claim 18, and are patentable for at least the same reasons set forth above.

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In addition, dependent claim 21 recites, *inter alia*, determining if a date of revocation of the group membership certificate is before a date of issuance of the invitation certificate, and when the date of revocation is after the date of issuance, issuing a new group membership certificate to the peer. Applicant agrees with the Examiner that Hanna does not teach these features. However, as noted above with respect to claim 12, Turnbull, as cited by the Examiner does not cure this deficiency. More particularly, mere reference by Turnbull to checking a revocation list does not teach or suggest that the date of revocation of a group certificate should be compared to the date of issue of an invitation certificate, much less issuing a new group certificate if the date of revocation is after the date of issuance as recited in claim 21. Accordingly, Applicant respectfully requests that the rejection of claim 21 be withdrawn.

#### Rejection of Claim 4

Claim 4 stands rejected as being obvious over Mooney in view of Hanna and U.S. Patent No. 5,712,914 to Aucsmith [hereinafter Aucsmith]. Claim 4 depends from independent claim 2, and is patentable for at least the same reasons set forth above.

#### CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: 03/08/2005

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